

# CHAPTER 1

## PURPOSE AND NEED

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### 1.1 INTRODUCTION

Prior to 1968, public lands managed by the Bureau of Land Management in Alpine County, California, were under the management of the California Folsom District Office, BLM. A Memorandum of Understanding, between California and Nevada BLM State Directors signed November 8, 1968, (amended in 1972 and supplemented in 1984), further defined program management and procedural changes. Initially, the Carson City Field Office (CCFO) was delegated the authority to process land and mineral actions, and ultimately all management responsibilities were transferred to the CCFO.

Current land use decisions for approximately 18,680 acres of public land (BLM managed land) in Alpine County derive from resource management plans and amendments from the 1960's, 70's, and 80's. Collectively, these decisions emphasized and made commitments to identify recreation as the "highest priority use of this area".

The terms BLM managed lands, public lands, and Plan Area, are synonymous in this document.

### 1.2 PURPOSE AND NEED

The purpose of the Alpine County Resource Management Plan Amendment is to amend the Carson City Field Office Consolidated Resource Management Plan (CRMP) specific to 1) land tenure designations for approximately 18,680 acres of BLM managed lands; 2) identify and designate trails and travel management for approximately 18,680 acres of BLM managed lands; 3) close three allotments to all grazing and one allotment to cattle grazing totaling 11,906 acres.

The need for the plan is to: 1) respond to a 1999 request from Alpine County for additional lands available for community expansion; 2) address recent Bureau policy and guidance on designation of travel and transportation networks in all planning efforts; and 3) to amend previous decisions specific to livestock management for public lands in Alpine County.

### **1.3 PLANNING AREA**

The planning area is located in California, adjacent to and west of the towns of Minden and Gardnerville, Nevada, and approximately 90 minutes south from the Carson City-Reno-Sparks metropolitan area. The unincorporated communities of Woodfords and Markleeville in Alpine County are within 30 to 40 minutes of Minden and Gardnerville. Alpine County consists of approximately 93% federally or state managed lands (Map 1.1).

Situated in the eastern foothills of the Sierra Nevada Mountains, the region is widely recognized for popular recreation areas such as Kirkwood Mountain Resort near Caples Lake, California State Park-Grover Hot Springs, Sorensen's Resort in Hope Valley, and cross-country skiing areas and snowmobile trails on lands administered by the US Forest Service Carson Ranger District, Humboldt-Toiyabe National Forest (FS). Other recreation opportunities include catch and release trophy trout fishing on the East Fork of the Carson River, numerous hiking areas that include locations along the Pacific Crest Trail and Tahoe Rim Trail, camping in developed and undeveloped areas, as well as access to miles of equestrian trails and wilderness solitude.

### **1.4 ISSUES AND PUBLIC SCOPING**

#### **ISSUES ADDRESSED AND PUBLIC SCOPING**

Publication of the Notice of Intent (NOI) to prepare a plan amendment/environmental assessment was published in the *Federal Register*, January 10, 2006. Internal scoping with CCFO management and staff occurred January-February, 2006.

Carson City Field Office personnel and cooperating agencies attended a planning kick-off meeting February 28, 2006. Three main issues identified by internal staff and cooperating agencies to be brought forward for scoping were:

- Land tenure – identify lands for retention, disposal, recreation and public purposes (R&PP) leases and conveyances;
- Trail and Travel management – designate travel routes;
- Livestock Grazing – Update previous land use decisions concerning lands available for grazing under a permit in Millberry Canyon, Indian Creek, Bagley Valley and Harvey Flat Allotments.

Notices of public open meetings/workshops were published in local newspapers and sent to known interested parties. Following this notification, two public meetings/workshops were held concurrent with the Alpine County Board of Supervisors meeting on March 21, 2006, and the Alpine County Planning Commission March 30, 2006. Carson City Field Office sought scoping comments from the Washoe Tribe of Nevada & California at their monthly meeting May 12, 2006.

Five comment letters/emails were received from the public during this scoping period. The following is a synopsis of those letters.

- Ten comments in favor of off road vehicle restrictions to protect resources;
- Three comments in favor of keeping existing recreation and visual qualities in and around the Indian Creek Recreation Lands (ICRL) area;
- One comment in favor of identifying Turtle Rock Park for community expansion;
- One comment in support for grazing to continue north and east of ICRL;
- Two comments regarding concern of disposal of public lands;
- Two comments regarding lack of law enforcement of shooting regulations, illegal camping and fire restrictions.
- One comment from the Washoe Tribe of Nevada and California requesting BLM identify lands for disposal to the Washoe Woodfords Community.

The Carson City Field Office released the Draft Alpine County Resource Management Plan Amendment and Environmental Assessment March 14, 2007, for a 30-day public review and comment period. The CCFO published a news release with local media and also posted the document on the CCFO web site. A public meeting was held jointly with the Alpine County Board of Supervisors on April 17, 2007. The CCFO received four written comments on the draft (Appendix C). This document addresses those comments and incorporates changes where appropriate.

#### **ISSUES CONSIDERED BUT NOT FURTHER ANALYZED**

During preliminary scoping for this amendment the Carson City Field Office received a request from South Tahoe Public Utility District (STPUD) to identify these lands for disposal and ultimately for a direct sale at fair market value. South Tahoe Public Utility District is currently authorized under BLM right-of-way CA-13255 to operate a treated effluent storage facility within the Indian Creek Recreation Area. This right-of-way is located within the Indian Creek Recreation Area Withdrawal, north and adjacent of Indian Creek Reservoir. South Tahoe Public Utility District has withdrawn this request for BLM to identify these lands for disposal.

The Washoe Tribe of Nevada and California has expressed interest in acquiring approximately 2200 acres of public lands adjacent and south of the Woodfords Colony for community expansion and cultural resource values. The CCFO acknowledges this request for additional lands. Procedures for this designation are currently defined in the Bureau of Indian Affairs (BIA), *Title 25 Code of Federal Regulations*, Subchapter H—Land and Water, Part 150—Land Records and Title Documents, Sec. 151.3, Land Acquisition Policy. These regulations state that, “Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an act of Congress”. Acquisition through Congressional Act could occur in the future. However, this request is specifically for designating public lands to the Washoe Tribe of Nevada and California and is wholly within the authority of Congress not the BLM. This request is not brought forward for analysis in this document.

The Washoe Tribe of Nevada and California has also sought lands under the Recreation and Public Purposes Act. *Title 43, Vol. 2, Code of Federal Regulations*, Recreation and Public Purposes Act, 2741 Requirements, Sec 2741.2, defines qualified applicants under this Act: “Applications for any recreational or public purpose may be filed by States, Federal and State instrumentalities, and nonprofit associations and nonprofit corporations that, by their articles of incorporation or other authority, are authorized to acquire land”. Tribal governments and individual members of the public are not qualified applicants as defined by this Act.

11x17 map here

## 1.5 PLANNING CRITERIA

The BLM regulations guiding the development of resource management plans and plan amendments require the preparation of planning criteria (43 CFR 1610.4-2). These criteria guide the development of the plan and ensure that it is tailored to the identified issues and that unnecessary data collection is avoided. These planning criteria are intended to streamline and simplify the process:

- The Carson City Field Office will work cooperatively with the State of California, tribal governments, county and municipal governments, other federal agencies, and all other interested groups, agencies, and individuals. Public participation will be encouraged throughout the process.
- The plan amendment will emphasize the protection and enhancement of the planning area's biodiversity while at the same time providing the public with opportunities for compatible recreation activities.
- Decisions in the plan will strive to be consistent with the existing plans and policies of adjacent local, State, Tribal and Federal agencies, to the extent consistent with Federal law.
- Use the best existing data to the extent possible (GIS and metadata information will meet Federal Geographic Data Committee standards as directed by Executive Order 12906, dated April 11, 1994).
- Document the analysis of alternatives in plain language and discuss minor issues briefly.
- Select the proposed alternative based on the combination that best meets demands for public lands while minimizing disruption of the human environment.

## 1.6 PLANNING PROCESS

### RELATIONSHIP TO EXECUTIVE ORDER, LEGISLATIVE, BLM POLICIES, PLANS, AND PROGRAMS

Bureau of Land Management planning regulations require that all BLM Resource Management Plans be consistent, to the extent possible, with officially approved resource-related plans of other Federal agencies, State and local governments, and Native American tribes. Other agencies' plans relevant to the Proposed Alpine County Resource Management Plan Amendment include the *Alpine County General Plan*, 1999 (as amended, 2004), and *The Constitution and Bylaws of the Washoe Tribe of Nevada and California*, 1990, and the *Humboldt-Toiyabe National Forest-Northern Sierra*

*Area Amendment*, 2001. The CCFO Consolidated Resource Management Plan is consistent with the above mentioned plans.

This amendment was prepared pursuant to Section 202(c)(9) of the Federal Land Policy and Management Act, which directs the Secretary of the Interior to develop land use plans that "...shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of the Act".

BLM policy requires "Planning decisions...be developed in concert with sustainable development concept. These concepts include a vision of economic prosperity, a healthy environment, and a just and equitable society." Therefore, it is necessary and appropriate that BLM plans, (e.g. Resource Management Plans), programs, and projects be evaluated for their contributions to local social, environmental, and economic goals.

BLM decision options for this amendment may include approving the amendment, approving alternatives to the amendment to mitigate environmental impacts, approving the amendment with stipulations to mitigate environmental impacts, or denying the amendment. If BLM approves the amendment, designated parcels of public land would be identified for disposal under the R&PP Act, travel routes would be designated and public land available for livestock grazing would be closed. Decisions made at the plan level are made by the State Director and are protestable to the BLM director under 43 CFR 1610.5-2(a).

#### **COLLABORATION**

This plan amendment process was conducted jointly with Alpine County, South Tahoe Public Utility District, Bureau of Indian Affairs, the Washoe Tribe of Nevada and California, Bureau of Reclamation, US Forest Service Carson Ranger District, California State Office-BLM, Nevada State Office-BLM, and interested private individuals.